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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/031,861	11/07/2001	Gerold Heckert	JFH-A 13082US	8535

7590

03/27/2003

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EXAMINER

TRAN, THUY VAN

ART UNIT

PAPER NUMBER

3652

DATE MAILED: 03/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/031,861

Applicant(s)

Heckert

Examiner

Thuy V. Tran

Art Unit

3652



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (e). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-27 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on Nov 7, 2001 is/are a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “brake for realizing controlled lowering of the carrier” and “catch to prevent uncontrolled lowering movement” must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 9-11, 15, 18-20 and 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The recitation “lower section of an arm or the lower section of an arm”, found in claim 9, line 4, renders the claim indefinite because it is unclear whether an arm in claim 9 is one of “inner and outer arms” as recited in claim 8, line 2 or not. Same problem occurs in claims 10, 18 and 19 as well.

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The recitation "a brake for realizing controlled lowering movement", found in claim 15, renders the claimed indefinite because it is not understood what applicant mean by "for realizing controlled lowering movement". Same problem occurs in claim 24 as well.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 8-10, 12-15, 17-19, 21-24, 26 and 27 (as best understood) are rejected under 35 U.S.C. 102(b) as being anticipated by Martin 1,991,255 (Martin).

Martin discloses a scissors lifting device comprising a base unit (the ground), a carrier unit (platform), a pair of inner and outer arms 1, 2, Figs. 4-7, pivotally mounted at a scissors axle, a drive 28 for raising and lowering the carrier unit by winding and unwinding a band 44 around a drum 47, and a lifting truck 7, 8 coupled to the second end of the band 44 and positioned between the inner and outer arms 1 & 2 so that the axle is between the drum and the truck.

Re claims 9, 10, 18, 19 and 27 the lifting truck 7, 8 is guided by lifting cams 6 that are arranged both the lower section of an arm and the upper section of an arm.

Re claims 13 and 22, see lower left corner of Fig. 4.

Re claims 15 and 24, the drive 28 includes a brake (a device controlling the circuit of the motor 28), Fig. 8 for realizing controlled lowering of the carrier.

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Re claim 16 and 25, the lifting device further including a catch 55 (reverser contactor), Fig. 8 to prevent an uncontrolled lowering movement.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 13 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin 1,991,255 in view of Dalrymple et al. 2,862,689.

Martin discloses all the claimed limitations except for having an adjustable and replaceable lifting cam.

Dalrymple discloses a scissors lifting system comprising an adjustable and replaceable lifting cam 65.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have utilized an adjustable and replaceable lifting cam for the lift system Martin as disclosed by Dalrymple in order to change the acceleration and deceleration of the carrier as desired.

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8. Claims 14 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin 1,991,255 in view of Vafaie et al. 6,082,433.

Martin discloses all the claimed limitations except for a frequency controlled electric motor.

Vafaie discloses that a frequency controlled electric motor can easily adjust the speed of the output shaft.


It would have been obvious to one having ordinary skill in the art at the time the invention was made to have used a frequency controlled electric motor for the scissor lift system of Martin as suggested by Vafaie in order to provide smooth lifting and lowering movements by varying the speed of the motor.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Each of the cited references separately discloses a scissor lift system.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy v. Tran whose telephone number is (703) 308-2558.

Thuy v. Tran


3/23/2003
GAU 3652

March 23, 2003